

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Dennis A. Smith

v.

Civil No. 05-cv-374-JD

N.H. State Prison, Warden, et al.

**O R D E R**

Plaintiff moves to compel further documents in response to his second request for production.

Discussion

The motion (document no. 77) itself complains of many things but does not point to a single request as inadequate. It does have a February 21, 2007 letter attached which alleges the following inadequacies:

1. Request No. 2 - Nine individuals are named but only six or seven histories (and one of those only one page) were provided.
2. Request No. 3 - The answer says that the state sought to transfer Higgins and Burgess but provided no detail about the "request to transfer" as to either.
3. Request No. 1 - allegedly the answer as to Rose is in error and plaintiff sought to have it corrected.

4. Motions to Amend and Supplement - (Document nos. 78, 81 and 82). Provide information detail on other prisoners and/or file it with the court.

Defendants acknowledge delay caused by their misfiling. Steps must be taken to tighten the AG's procedures as the result is unfair to prisoner litigants.

Defendant does not object to 1, 2 and 3 above, all of which are facially reasonable. The motion (document no. 77) is granted as to items as I have identified them above. The detailed disciplinary files, however, are not essential to plaintiff's evidentiary point and are appropriately withheld for sound penalogical reasons where, as here, the essential information is and will be provided.

The motion (document no. 77) is granted and the supplements (document nos. 78, 81 and 82) are denied.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: May 22, 2007

cc: Dennis A. Smith, pro se  
Andrew B. Livernois, Esq.